

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. Earnest J. Carswell**

**Docket No. 5:13-MJ-1874-1**

**Petition for Action on Probation**

COMES NOW Mark Culp, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Earnest J. Carswell, who, upon an earlier plea of guilty to Marijuana - Possession; Controlled Substance - Possession, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge on October 8, 2013, to 12 months probation under the conditions adopted by the court. The defendant's term of probation was extended for 10 months on September 29, 2014, by your honor.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On May 15, 2015 the defendant submitted a urine sample that tested positive for marijuana use. Upon an investigation, the defendant admitted to using marijuana on March 2, 2015. We recommend that the defendant serve two days in jail for willfully using marijuana while on supervision.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt

Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Mark Culp

Mark Culp

U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

Phone: 910-818-0685

Executed On: May 26, 2015

**ORDER OF THE COURT**

Considered and ordered this 27th day of May, 2015 and ordered filed and made a part of the records in the above case.

  
James E. Gates

U.S. Magistrate Judge